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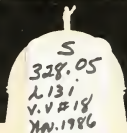


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THE

INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

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PERIODICALS

STATE DOCUMENTS COLLECTION

NOVEMBER 1986

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SPECIAL NOTICE HELENA, MONTANA 59620

CAUCUS

For returning legislators, a reminder that the prospective deans have plans for the pre-session caucuses to be held November 15. A mailing confirming the date will be sent to those persons shown as having been elected according to the unofficial returns reported in the press. There is only a week and a half between election and caucus this time, so advance planning is a must.

HOUSING

The Legislative Council offers an informal housing program for members of the Legislature. Unsolicited information received about available housing is filed and is available for members to use as an aid in locating session housing. Another file is kept indicating what housing a member seeks. Prospective renters may look at the list to check prospects. Because this service is informal and contains only unsolicited information, it is certainly not complete. Members are welcome to drop by the office and browse through the file for whatever help it may be.

INFRASTRUCTURE

SUBCOMMITTEE RECOMMENDS NEW LEGIS- LATION

The Subcommittee on Infrastructure held its final meeting on Thursday, October 23. The following options were recommended by unanimous vote:

- Expand the water development bond program to include a broad range of infrastructure projects;
- Authorize local option taxes to be used for infrastructure projects; and

- Make any community that derives the major portion of its economic well-being from tourism eligible for the local option resort tax.

By mid-November, staff will complete the first draft of the subcommittee's report to the 1987 Legislature, including draft bills to implement these options, and circulate it to the subcommittee for revision and approval.

SUBCOMMITTEE ON VO-TECHS AND JOB TRAINING

NOVEMBER 7
LAST MEETING

The Joint Interim Subcommittee on Vo-techs and Job Training will hold its final meeting of the interim on November 7 at 9 a.m. in Room 104 of the Capitol.

The morning agenda will be devoted to establishing final recommendations on the possibility of state governance and funding for the vo-tech centers. The subcommittee will be apprised of recent discussions by the Board of Regents on governance options for the vo-techs and will also be provided with pertinent information on the current status of vo-tech funding, enrollment, and budget proposals for the 1987 session.

The afternoon agenda will consist of a review of the status of the state's new job training program for welfare recipients. The subcommittee will suggest revisions in that program if appropriate.

SUBCOMMITTEE ON LIEN LAWS

NOVEMBER 14
FINAL MEETING

Reviewing of draft bills and discussion of possible revisions in the agister's lien law are on the agenda of the Joint Interim Subcommittee on Lien Laws for its final meeting on Friday, November 14.

The meeting will begin at 9 a.m. in Room 108 of the Capitol.

Other topics on the agenda include agricultural input liens and wage earners' liens.

JOINT INTERIM SUBCOMMITTEE ON LIABILITY ISSUES

RECOMMENDATIONS FORTHCOMING
NOVEMBER 22

The final meeting of the Joint Interim Subcommittee on Liability Issues is scheduled for Saturday, November 22 at 9 a.m. in Room 104 of the Capitol.

During the meeting, the subcommittee will discuss the bill drafts on tort reform and insurance regulation that were submitted at the September meeting and will select legislation for introduction during the 1987 legislative session.

SUBCOMMITTEE ON THE LAW ENFORCEMENT ACADEMY

NEW CONSTRUCTION PROPOSAL PUT FORWARD

Members of the Joint Interim Subcommittee on the Law Enforcement Academy gathered October 28 in Bozeman to meet with a special study committee appointed by the Attorney General to make a recommendation for location of the Montana Law Enforcement Academy.

At this meeting, the special study committee of the Attorney General unveiled a proposal for the construction of a new law enforcement academy facility in Bozeman. The proposal involves a lease with an option to purchase the facilities. In addition, the proposal is based on a private investment financing plan arranged by a Salt Lake City developer.

The 20-year costs for the proposed project were reported at \$13,784,033, without a purchase during the 20-year period. However, the proposal did not contain sufficient information concerning costs to allow a proper evaluation. In particular, the proposal did not provide a project cost summary outlining in detail all considerations of the proposed facility plan, which should have included the foreseeable costs of construction, repair, maintenance, and operation of the proposed facility. Moreover, the proposal reported costs for new construction that varied sharply from the cost estimates prepared by the Architecture and Engineering Division.

A final element of the proposal involved a \$1.8 million per year fee assessment to fund law enforcement academy training. The proposed fee assessment would consist of \$10 to be paid by every person found guilty of any felony or misdemeanor, bond or bail forfeiture, ordinance violation, or infraction of the traffic laws, including the 55 mph speed limit law.

CURRENT PLANS ARE TO CONSIDER COMMUNITY PROPOSALS

The subcommittee has not considered any options involving construction of a new facility for a number of reasons, especially cost and the availability of existing facilities that could serve as an adequate law enforcement training

facility. Currently, the subcommittee plans to meet after the election to make a final recommendation concerning location of the academy based upon the proposals submitted by Dillon, Great Falls, and Lewistown.

ENVIRONMENTAL QUALITY COUNCIL

EQC MEETS
NOVEMBER 13-14

The Environmental Quality Council will meet in Helena on November 13-14 to begin formulating recommendations on topics that have been considered during the interim. The meeting will be held in Room 405 of the Capitol.

AGENDA
OUTLINE

The meeting will begin at 9 a.m. on Thursday, November 13, with a progress report on the EQC subdivision study, including a review of potential legislation. Council discussion and public comment will follow. Final council consideration of the oil and gas study is also scheduled for the morning session, along with a staff summary of the working-group session on implementation of the Montana Environmental Policy Act.

During the afternoon, representatives from state natural resource agencies will brief the council on their 1987 legislative packages. EQC staff will then provide an overview of the current debate on Montana's air quality standards for sulfur dioxide.

On Friday, the council will consider the status of several 1985 laws dealing with the management of hazardous materials. The dam safety program and water well contractor regulations will also be discussed during the morning. The Friday afternoon schedule includes a discussion of regional energy planning, with participation from the Northwest Power Planning Council and other state and private interests.

The EQC has tentatively set its subsequent meeting for December 1-2 in Helena. That meeting will allow the council to complete its legislative recommendations for the 1987 session.

LEGISLATIVE COUNCIL

LEGISLATIVE
AND CODE
PUBLICATIONS

The Journals for the June Special Session were mailed to all legislators on October 6. The Code pamphlet, containing all statutes affected by the June Special Session and the amended Rules of Appellate Procedure, which rules will be effective January 19, 1987, were mailed the week of October 27 to all subscribers.

NOVEMBER 14
MEETING

The Council's next meeting date has been changed from the date previously announced to November 14 in Room 317. At the meeting the Council will:

- Choose eleven legislative interns and assign them to legislators;
- discuss the 1987 Code Commissioner bill to clarify and correct the laws;
- discuss staff preparations for the 1987 session, including ways of commemorating the Council's 30th birthday.

LEGISLATIVE FINANCE COMMITTEE

SCHOOL
FUNDING
SUBCOMMITTEE

The subcommittee of the Legislative Finance Committee on School Funding met October 11. The committee tentatively decided to pursue seven issues, which are:

- 1) Update the definition of isolation status for schools qualifying for special funding.
- 2) Consolidate high schools under 100 ANB.
- 3) Equalize the retirement and comprehensive insurance mandatory mill.
- 4) Review the minimum taxable valuation per school district.
- 5) Review the logic and cost of the funding procedures being applied due to the schools location being within or without incorporated cities and towns.
- 6) Compare student test results to the ANB cost in schools.
- 7) Establish a mechanism to articulate and coordinate the accreditation standards and the funding procedures.

The committee will meet again the morning of November 13 to finalize their issues and prepare for a public hearing in December.

FINANCE
COMMITTEE
TO MEET
NOVEMBER 13-14

The Legislative Finance Committee will meet the afternoon of November 13 and all day November 14. Highlights of the meeting on Friday will be:

- (1) A broad overview of the state fiscal condition for fiscal 1987 and the 1989

biennium. The Legislative Fiscal Analyst staff will be giving a report and Mr. LaFaver has been asked to present the Department of Revenue's research on the revenue impact of federal tax reform along with the Governor's tax reform proposal if it has been released. Mr. Dave Hunter has been asked to present the total current level and modified general fund budget requests for the 1989 biennium and discuss the needs supporting the requests.

- (2) A review of the specific budget requests of the Department of Social and Rehabilitation Services, the Montana University System, and the Department of Highways.

ADMINISTRATIVE CODE COMMITTEE

POOLED SICK LEAVE RULES

The Administrative Code Committee met in Helena on October 24. The committee voted to send a letter to the Department of Administration stating objections to the Department's pooled sick leave fund rules and requesting amendment of the rules to delete the objectionable provisions.

MAPA MISUNDERSTOOD

The committee chairman has written a letter to the Editorial Page Editor of the Independent Record in Helena informing him of the purpose of the Montana Administrative Procedure Act as regards the rulemaking process, stating among other things that MAPA does not grant authority to adopt substantive rules. The letter is in answer to an IR editorial referring to use of the "pernicious" MAPA to adopt a rule. Widespread misunderstanding of MAPA as a law that restricts and guides rulemaking authority as opposed to granting that authority is a major frustration for the committee.

OBJECTION TO HARD ROCK IMPACT RULES

The committee will also send a letter to the Hard Rock Mining Impact Board stating the committee's displeasure with the Board's adoption of a rule definition that the committee had requested the Board to delay adoption of until the final adjournment of the 1987 regular session. The committee voted to comply with a request of Representative Marks that the committee request a bill draft amending the Hard Rock Mining law to make it clear that so-called "secondary impact" persons entering an area as a result of a mining development need be taken into account in an impact plan only if the developer and affected local government units mutually agree to do so.

The committee approved two bill draft requests. The first would provide that whenever a bill containing rulemaking authority becomes effective prior to October 1, temporary rules could be adopted to be effective until October 1. No notice or hearing would be required. The administering agency would thus be able to put rules in place much more quickly than it could by following the normal MAPA process. The temporary rules could in the meantime be adopted as permanent rules through the normal MAPA process. The second bill draft would direct appointment by each executive branch department head of a single attorney, paralegal, or other qualified person to review, prior to filing with the Secretary of State, all of the Department's rule proposal and adoption notices for compliance with MAPA.

The committee will hold one more meeting prior to the convening of the 1987 regular session, probably in December before Christmas. As of this date, the agenda will include suggestions for general revision of the Workers' Compensation Act and the Human Rights Commission's sex equity in education rules.

CAPITOL BUILDING AND PLANNING

MEETING
OCTOBER 24

MASTER PLAN
REVIEWED

The Capitol Building and Planning Committee held its last meeting of the interim on October 24. The committee reviewed the Capitol area master plan, which has guided development in the area around the Capitol since its adoption in 1972. Major recent construction has included:

- completion of the DNRC building and adjacent landscaping, including a storm retention pond constructed in cooperation with the City of Helena;
- completion of a \$2 million addition to the Montana Historical Society;
- the improvement of parking south of the Capitol. The parking improvements, approved during the 1985 session, will add 117 parking places in the immediate Capitol area, which should be a tremendous improvement.

The master plan has been followed with remarkable fidelity over the years. There remain only minor parcels to be acquired to complete all planned acquisitions, although there are no current plans to acquire additional property. The corner of Sixth and Montana, across the street from the

NO CAPITOL
RENOVATION

Capitol, remains the only major building site in the complex. That site will be used only upon legislative action. The committee recommends that if there is any future building on this site an executive office building should be built to relieve space pressure in the Capitol and thus allow critical safety, aesthetic, and functional problems in the capitol to be corrected. Until then, sometime long in the future, no major changes should be made to the Capitol.

HOUSE CARPET
INSTALLATION

The committee also reviewed the fact that the last portion of Capitol renovation money still available is currently being used to place a new carpet in the House Chambers.

The committee has also recommended adoption of a bill reducing committee legislative membership to four.

COAL TAX OVERSIGHT SUBCOMMITTEE

FINAL MEETING
NOVEMBER 13

The seventh and final meeting of the Coal Tax Oversight Subcommittee for this interim is set for 1:30 p.m. Thursday, November 13, in Room 104 of the Capitol.

Principal items on the agenda include adoption of recommendations to the 50th Legislature and approval of the final report.

REVENUE OVERSIGHT COMMITTEE

MEETING
SET FOR
NOVEMBER 21

The Revenue Oversight Committee will meet in Room 104 on Friday, November 21 at 10:30 a.m.

The agenda will be mailed the first week in November but will primarily focus on:

- validation of the DOR income tax data base by a committee consultant; and
- presentation by the DOR and critique by a committee consultant on implications of the federal tax reform.

COMMITTEE ON INDIAN AFFAIRS

LAST MEETING
NOVEMBER 22

The final meeting of the Committee on Indian Affairs is scheduled for Saturday, November 22, at 9 a.m. in Room 108 of the Capitol.

The agenda for this meeting includes a presentation on the Confederated Salish-Kootenai

LEGISLATIVE INTERIM CALENDAR

NOVEMBER

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|-------------|--------|--------------------|-----------|--|--|--|
| | | | | | | 1 |
| 2 | 3 | 4 ELECTION DAY | 5 | 6 | 7 VO-TECH & JOB TRAINING - Rm. 104 | 8 |
| 9 | 10 | 11 VETERANS DAY | 12 | 13 -----LEGISLATIVE FINANCE----- Rm. 108 ----- EQC ----- CTO - Rm. 104 | 14 Rm. 104 -----Rm. 405----- AUDIT COMM. LTIENLAWS-Rm. 108 LEG. COUNCIL-Rm. 317 | 15 CAUCUS - Colonial Inn |
| 16 | 17 | 18 | 19 | 20 EQC-Water Policy-Rm. 104 | 21 ROC - Rm. 104 | 22 INDIAN AFFAIRS Rm. 108 LIABILITY ISSUES-Rm. 104 |
| 23 | 24 | 25 | 26 | 27 THAN SGIVING | 28 | 29 |
| ----- 30 | | | | | | |

*ALL MEETINGS ARE SUBJECT TO CHANGE

Tribe's Comprehensive Chemical Abuse Project and an update on the activities of the Reserved Water Rights Compact Commission. The committee will also review proposed legislation for introduction during the 1987 legislative session.

WATER POLICY COMMITTEE

NOVEMBER 20
FINAL MEETING

The Water Policy Committee will refine its report and develop final recommendations during its meeting in Helena on November 20. In examining a variety of water topics during the interim period, the committee has attempted to provide a set of recommendations that will provide a basis for more specific research in future years.

A separate item involves committee discussion of the public trust doctrine and a proposal by Lorents Grosfield to delineate the extent of the doctrine with legislation.

RECENT AGENCY PUBLICATIONS

LEGISLATIVE
AUDITOR

Financial-Compliance Audits:

- Economic Development Board (Opinion only)
- Health Facilities Authority (Opinion only)
- Agricultural Loan Authority (Opinion only)
- Guaranteed Student Loan Program, Commissioner of Higher Education (Opinion only)

Performance Audit Survey:

- Employment Service Program, Department of Labor and Industry

Contracted Audit:

- State Employee Benefit Plan, Department of Administration

LEGISLATIVE
COUNCIL

Legal Memoranda:

- Soil Conservation Districts - Applicability of Prevailing Wage Laws
- Emergency Herd Districts - Flathead Lake Perimeter
- Code Commissioner Report (and Code Commissioner's Bill)

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LEGISLATIVE INTERIM CALENDAR

DECEMBER

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|--------|---------|-----------|-----------------|--------|-------------------|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 ROC-Fm. 104 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 CHRISTMAS | 26 | 27 |
| 28 | 29 | 30 | 31 | | | |

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